

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DM 04-080

ORDER OF NOTICE

CashPoint Network Services, Inc. (CashPoint) transmits bill payments for consumers to electric, gas and telephone companies through automated teller machines or at neighborhood stores. In late April, 2004, CashPoint was placed in bankruptcy by five creditors who claim the company failed to transmit more than \$28 million in utility bill payments.

On May 7, 2004, the Office of Consumer Advocate (OCA) filed a Petition for Expedited Declaratory Ruling (Petition) with the New Hampshire Public Utilities Commission (Commission). A copy of the petition is available at www.puc.state.nh.us. The petition requests expedited declaratory relief concerning the treatment of funds paid to CashPoint by ratepayers for payment of bills owed to New Hampshire regulated utilities. The petition raises, *inter alia*, issues related to the relationship, implied or otherwise, between CashPoint and New Hampshire regulated utilities and the obligations of utilities to their customers. Specifically, the OCA has requested the Commission find that, by accepting customer payments made via CashPoint payment terminals, New Hampshire utilities have created an implied agency agreement between the utilities and CashPoint. Consequently, the OCA argues that payments made to CashPoint for transmittal to a New Hampshire utility should be considered a payment to the utility and the risk of any loss of that payment, once delivered to CashPoint, rests with the utility rather than the customer. The OCA asks the Commission to further find that any New Hampshire utility which receives documentation or

reasonable evidence that a customer payment was made to CashPoint for transmittal to the utility shall credit the customer's account for the amount of the payment.

The Commission notes that the OCA has raised an issue which may limit the utilities' ability to disconnect customers who have paid via a CashPoint terminal. Accordingly, utilities should carefully review disconnect situations that may be related to the utility's failure to receive funds from CashPoint for any payments made at a CashPoint terminal for New Hampshire utility bills.

Based upon the foregoing, it is hereby

ORDERED, that any party wishing to comment on the OCA's Petition for Expedited Declaratory Ruling shall file such comment with the Commission by the close of business on May 14, 2004; and it is

FURTHER ORDERED, that, pursuant to N.H. Admin. Rule Puc 201.05, the commission hereby waives, in part, the ten day period for filing objections requirement of N.H. Admin. Rule Puc 203.04(g); and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rule 201.05, the Commission waives, in part, the fourteen day notification requirement of N.H. Admin. Rules Puc 203.01(a).

By order of the Public Utilities Commission of New Hampshire this eleventh day of May, 2004.

Debra A. Howland
Executive Director & Secretary

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, contact the Americans with Disabilities Act Coordinator, NHPUC, 8 Old Suncook Rd., Concord, NH 03301; 603-271-2431; TDD Access: Relay NH 1-800-735-2964. Notification for assistance should be made one week before the scheduled event.